

Miles City Unified School District

*Custer County District High School
School District No. 1*

JACK REGAN
SUPERINTENDENT

*Miles City Elementary Schools
School District No. 1*

Request for Review
CC Docket No. 02-6

RECEIVED

April 29, 2005

JUN 20 2005

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Federal Communications Commission
Office of the Secretary

Fax: 866-418-0232

Re: Letter of Appeal on Funding Commitment Decision Letter (December 3, 2004)
Billed Entity: Miles City Unified School District
Form 471 Application #409073
Billed Entity #: 134850
Form 470 #534970000478768

Contact Person

Jack Nesbit
7 Arrow Circle
Miles City, Mt 59301
Phone: 406.234.1020
Fax: 406.234.1020
E-mail: nesbit@midrivers.com

This is a Request for Review of the SLD decision on my appeal of the funding commitment decision for the following areas:

Funding Request #'s:

1121117 (Local Service)
1121118 (Long Distance)
1121119 (DSL Access Line)
1121120 (high Speed Internet)

Received by mail 04/22
List ABOVE

The FCDL stated that each of these four areas was denied because the 28-day waiting period was violated.

The Miles City Unified School District's allowable contract date was January 19, 2004. Please accept the following information that will explain what actually caused the dating error.

An Equal Opportunity Employer

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Just prior to our allowable contract date, I met with the Miles City Unified School District Superintendent, Jack T. Regan, (Authorized Representative). Jack informed me that he was going to be attending Montana High School Association meetings in Bozeman, Montana during the time I would be sending the 471 application to the SLD. So as not to delay the process, I asked him to sign a prepared signature page. His assistant then typed in the necessary information and had him sign it. I failed to catch the mistake on the date that was typed on this page, which leads us to the position we are now in.

Because we had only received bids for the requested services from Mid Rivers, Inc. at this time, I waited until January 19, 2004 to have the remainder of the application typed, which was beyond our allowable contract date. The application was then mailed on January 20, 2004. We have in our file the original postal return receipt with proof of the date, which validates that the form 471 was mailed to the SLD after the allowable contract date of January 19, 2004. The SLD also has their copy of this postal return receipt as was indicated by Larry Bartholomew, USAC. I have attached a copy of the postal return receipt. I believe this also validates the fact that we did not enter into a contract with Mid Rivers, Inc. for the requested services until our allowable contract date of January 19, 2004.

In the recent letter I received from the SLD dated March 18, 2005 I would like to address each Point.

Point #1 – SLD stated the form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the positing of the Form 470 to the SLD Web Site.

This is not a true statement as to what transpired. As stated above, I said that Superintendent Jack T. Regan, (Authorized Representative) would be out of town attending Montana High School Association meetings in Bozeman, Montana during the time I would be completing the Form 471 application and mailing it to the SLD. So as not to delay the process, I asked him to sign a prepared signature page only, not a completed application. Knowing that January 19, 2004 was our legal contract date; I waited for further communication from potential service providers before completing Form 471. Having received no further bids by the end of the day on January 19, 2004, I had the Superintendent's assistant type the rest of Form 471 and prepare it to be mailed on January 20, 2004, which is verified by the postal return receipt.

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Point #2 – Forms 470 were the establishing forms for the allowable contract date. The signing of the 471 is prior to the allowable contract date.

The answer to this was stated above in Point #1. Please understand that our school district did not do anything illegal in this matter. We have always been above-board in our previous applications and would do nothing to jeopardize the funding of such a valuable program to our school district.

Point #3 – I fail to see how they determined that I selected the vendor prior to the end of the 28-day posting period. Again, I refer to the information provided in Point #1, which I stated that I completed my selection after the date I could legally do so.

Point #4 – The SLD stated that I selected the vendor for the new services prior to the expiration of the 28-day posting. As stated before, I did not select the vendor for new services prior to the expiration of the 28-day posting period. The only bids received during the 28-day waiting period were those listed in the 471 application, which were selected on January 19, 2004, the day before the application was mailed.

Summary - I believe the SLD is only looking at a clerical error in making their decision on this matter and not fairly reviewing all the facts that I stated to them. If our school district made our decision on January 14, 2004 it would stand to reason that the completed forms 471 would have been mailed prior the date of January 20, 2004.

I have worked with the SLD for several years filing applications for our school district because this is such a valuable program to us. We have never filed frivolous requests for funding that we could handle ourselves. It does not make sense that I would jeopardize this relationship. I am asking you (FCC) to give my input serious consideration in making the final determination in this matter as it has a serious impact on the funding of our school district and our children.

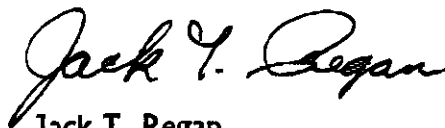
I hope this information has adequately justified why I am appealing the SLD decision. I would be happy to discuss this with your office if you need further information or our original copy of the postal return receipt notice.

I look forward to hearing from you.

Respectfully,



Jack A. Nesbit
Miles City, MT 59301
Entity #134850



Jack T. Regan
Superintendent
Authorized Representative
Miles City Unified School District
Miles City, Montana 59301

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|---|--|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | | A. Signature PEARSON GOVT SOLUTIONS MAIL AGENT | |
| 1. Article Addressed to: SLD - FORM 471 416 MS. SMITH 3833 Greenway DR. Lawrence, KS 66046 | | B. Recipient (Agent) MAIL AGENT | |
| | | C. Date of Delivery JAN 23 2004 | |
| | | D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No | |
| | | 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| | | 4. Restricted Delivery (Extra Fee) <input type="checkbox"/> Yes | |
| 2. Article No. 7002 2410 0001 5335 1343 | | | |

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-11-1540

7002 2410 0001 5335 1343

U.S. Postal Service **CERTIFIED MAIL RECEIPT** (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

| | |
|---|---------|
| Postage | \$ 1.06 |
| Certified Fee | 3.30 |
| Return Receipt Fee (Endorsement Required) | 1.75 |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 5.11 |

Postmark
Here

JAN 23 2004

Sent to **SLD-FORM 471** To **MS. Smith**
Street, Apt. No. or PO Box No. **3833 Greenway DR.**
City, State, ZIP+4 **Lawrence KS 66046**

PS Form 3800, June 2002

See Reverse for Instructions